

REMARKS

Claims 1 – 3, 6 – 15, 18, 20 – 26, 29 – 50, 63 – 81, and 84 - 89 are pending. Claims 16 – 17 and 115 – 132 have been cancelled. Claims 1, 12, 22, 37, 44, and 77 have been amended. No new matter has been added.

In the March 31, 2006 Office Action, the Examiner rejected claims 1 – 89 and 115 – 127 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,658,248 to Lee (“the Lee reference”) in view of U.S. Published Patent Application No. 2002/0077974 to Ortiz (“the Ortiz reference”) and further in view of U.S. Patent No. 7,020,691 to Ota (“the Ota reference”). This rejection is respectfully traversed in so far as it is applicable to the presently pending claims.

Claim 22, as amended, recites:

A portable wireless device, comprising:
a first wireless transceiver to communicate wirelessly with an electronic device, wherein the first wireless transceiver is adapted to communicate via at least one of light transmission and radio frequency (RF) transmission; and
a second wireless transceiver having a wireless connection to a network, a server system being connected to the network, *wherein the first wireless transceiver receives data from the electronic device, the second wireless transceiver transmits the data to the server system over the network, the second wireless transceiver receives response data from the server system, and the first wireless transceiver transmits the response data to the electronic device.*

Claim 22, as amended, distinguishes over the cited references. The Lee reference does not disclose the portable wireless device of claim 22. The Examiner states that the Lee reference discloses a portable wireless device having a wireless connection with the electronic device and also that there is communication from the electronic device to the server system. The Examiner also states that the Lee

reference does not specifically disclose that the communication between the electronic device and the server goes through the portable wireless electronic device. The applicant agrees with the Examiner and respectfully submits that the Lee reference does not disclose the highlighted limitation and the italicized limitation of claim 22. Accordingly, the applicant respectfully submits that claim 22, as amended, distinguishes over the Lee reference.

The Ota reference does not make up for the deficiencies of the Ota reference. The Ota reference does not disclose, teach, or suggest the portable wireless device of claim 22. The Examiner states that that the Ota reference discloses that communication from the electronic device goes through the portable wireless device. (*Office Action, page 3*). The applicant understands the Examiner's use of the Ota reference. The Ota reference discloses that the a vending machine (akin to claim 22's electronic device) includes a point issuing unit disposed therein. In embodiments of the Ota reference, an IR communication device is built in the point issuing unit to input the point information to a portable telephone using the IR communication device. (*Ota, col. 5, lines 5 – 9*). In Fig. 3, the automatic vending machine generates management information, segments the management information, and adds the segmentation number. If the point information is issued, it is determined whether the data amount does not fill the data amount of the single packet in the aforesaid packet communication. If there is room left in the single packet, then segment management information is added to the point information. The vending machine repeats this until all of the segment management information is completely transmitted. (*Ota, col. 6, line 55 – col. 7, line 9*).

The Ota reference further discloses that the data center receives the packet information, extracts the management information from the received packet data, and restores the management information on the basis of the segmentation number added to the extracted management information and ID information of the automatic vending machine. The Ota reference data center then analyzes the management information. (*Ota*, col. 7, lines 12 – 20). There is no disclosure in the Ota reference that a portable wireless device includes a first wireless transceiver and a second wireless transceiver, wherein the first wireless transceiver receives data from the electronic device, the second wireless transceiver transmits the data to the server system over the network, **the second wireless transceiver receives response data from the server system, and the first wireless transceiver transmits the response data to the electronic device.** The Ota reference does not disclose that the data center communicates back with the vending machine (and further that the data center communicates back to the vending machine through the portable wireless device). This is demonstrated by the direction of the arrows of the drawings of Fig. 1 and Fig. 2. In addition, Figs. 3 and Fig. 4 disclose only transfer of data one way (from the vending machine to the portable device and then to the data center) Further, the Ota reference does not disclose that **second wireless transceiver receives response data from the server system and the first wireless transceiver transmits the response data to the electronic device,** as is recited in claim 22. In other words, there is no disclosure in the Ota reference of communication from a server, through a wireless device, and to the electronic device. Accordingly, the applicants respectfully submit that claim 22, as amended, distinguishes over the Ota / Lee combination.

In addition, the applicants do not believe that there is any motivation or suggestion to combine the Lee and Ota references, i.e., the applicants believe that the Lee reference and the Ota reference are not properly combinable. The applicants believe that the Lee reference teaches away from both the Ota reference and the claimed invention. In the Lee reference, the communication path is from the cellular phone to a server (housing the voice mail function) and then from the server to a self-service machine. In other words, there is no direct communications between the cellular phone and the self-service machine. In contrast, in both the Ota reference and the claimed invention, the communication between the server and the vending machine (electronic device) occurs through the first transceiver and second transceiver of the wireless electronic device.

Thus, the Lee reference is “teaching away” from both the Ota reference and the invention recited in claim 22, as amended. Teaching away from the art is a *per se* demonstration of the lack of prima facie obviousness. *In re Dow Chemical Co.*, 837 F.2d 469, 5 USPQ2d 1529 (Fed. Cir. 1988). Accordingly, the applicant believes that the Lee reference and the Ota reference are not properly combinable. Because the references are not combinable, claim 22, as amended, further distinguishes over the Lee / Ota combination.

The Ortiz reference does not make up for the deficiencies of the Ota / Lee reference. The Examiner states that the Ortiz reference discloses the use of light transmission and also discloses transmission between devices utilizing TCP/IP, satellite, SGM, CDMA, etc. (*Office Action*, pages 3 – 4). However, the Ortiz reference does not disclose a portable wireless device includes a first wireless transceiver and a

second wireless transceiver, wherein the first wireless transceiver receives data from the electronic device, the second wireless transceiver transmits the data to the server system over the network, **the second wireless transceiver receives response data from the server system, and the first wireless transceiver transmits the response data to the electronic device.** Accordingly, applicant respectfully submits that claim 22, as amended, distinguishes over the Ortiz / Lee / Ota combination.

Independent claims 1, 12, 37 and 44 recite limitations similar to claim 22, as amended. Accordingly, applicants respectfully submit that claims 1, 12, 37 and 44 distinguish over the Lee / Ota / Ortiz combination.

Claims 2 – 3, 6 – 11, 13 – 15, 18, 20 – 21, 23 – 26, 29 – 36, 38 – 43, and 45 – 50 depend, indirectly or directly, on claims 1, 12, 22, 37, and 44. Accordingly, the applicants respectfully submit that claims 2 – 3, 6 – 11, 13 – 15, 18, 20 – 21, 23 – 26, 29 – 36, 38 – 43, and 45 – 50 distinguish of the Lee / Ota / Ortiz combination for the same reasons as those discussed above in regard to claim 22, as amended.

Independent claim 63 distinguishes over the cited references. Independent claim 63 recites:

A method of wireless communication by an electronic device, comprising:
establishing a first wireless connection with a portable wireless device via at least one of light transmission and radio frequency (RF) transmission, wherein the portable wireless device has a second wireless connection to a network, and a server system is connected to the network;
transmitting data destined for the server system wirelessly via the first wireless connection to the portable electronic device, wherein the portable wireless device transmits the data destined for the server system over the network via the second wireless connection to the server system;
and
receiving data destined for the electronic device, wherein the portable wireless device receives the data destined for the electronic device from the server system over the network via the second

wireless connection and transmits the data destined for the electronic device wirelessly via the first wireless connection to the electronic device.

Claim 63 recites limitations similar to claim 22 and applicant respectfully submits that claim 63 distinguishes over the Lee / Ota / Ortiz combination for reasons similar to those set out above in regard to claim 22. In addition, the Examiner states that the Lee reference discloses (at col. 6, lines 39 – 45 and col. 4, lines 38 – 48) that communication transmitted from the server system is received at a portable wireless device and is destined for the electronic device. (*Office Action, page 9*). The applicants respectfully disagree with the Examiner. The Lee reference is disclosing only that communication is transmitted from a server system (i.e., a telephone service system) to the self-service machine via a radio paging network. There is no disclosure that the **portable wireless device receives the data from the server system and transmits the data to the electronic device**, as is recited in claim 63. Accordingly, applicants respectfully submit that claim 63 further distinguishes over the Lee / Ota / Ortiz combination.

Independent claims 70 and 77 recite limitations similar to claim 63. Accordingly, applicants respectfully submit that claims 70 and 77 distinguish over the Lee / Ota / Ortiz combination for reasons similar to those discussed above in regard to claim 63.

Claims 64 – 69, 71 – 76, 78 – 80, and 84 – 89 depend, indirectly or directly, on independent claims 63, 70, and 77, respectively. Accordingly, applicants respectfully submit that claims 64 – 69, 71 – 76, 78 – 80, and 84 – 89 distinguish over the Lee / Ota / Ortiz combination for the same reasons as discussed above in regard to claim 63.

Applicants believe that the foregoing amendments and place the application in condition for allowance, and a favorable action is respectfully requested. If for any reason the Examiner finds the application other than in condition for allowance, the Examiner is requested to call the undersigned attorney at the Los Angeles telephone number (213) 488-7100 should the examiner believe that such a telephone conference would advance prosecution of the application.

Respectfully submitted,

PILLSBURY WINTHROP SHAW PITTMAN LLP

Date: July 20, 2006

By: Mark Kendrick
Mark Kendrick
Registration No. 48468
Attorney for Applicant(s)

725 South Figueroa Street, Suite 2800
Los Angeles, CA 90017-5406
Telephone: (213) 488-7100
Facsimile: (213) 629-1033